

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED
for Roanoke
FEB 28 2007

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JOHN F. CORCORAN, CLERK
BY: *Fay Coleman*
DEPUTY CLERK

DEMOND O'NEIL PARKER,
Petitioner,
v.
UNITED STATES OF AMERICA,
Respondent.

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Civil Action No. 7:07-cv-00090
MEMORANDUM OPINION
By: Hon. Norman K. Moon
United States District Judge

Petitioner, Demond O'Neil Parker, a federal inmate proceeding pro se, has submitted to the court a motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255. Upon review of the record, the court concludes that this motion must be dismissed as successive.

I.

Parker challenges his 360-month sentence for conspiracy and use of a firearm to abduct and kidnap during a drug trafficking crime. Court records indicate that Parker has previously filed two § 2255 motions, Civil Action No. 7:01-cv-00049 (W.D. Va.) and Civil Action No. 7:05-cv-00549 (W.D. Va.), regarding the same conviction and/or sentence. This court may consider a second or successive § 2255 motion only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the motion meet certain criteria. See § 2255 ¶ 8. As Parker has not submitted any evidence of having obtained certification from the Court of Appeals to file a second or successive § 2255 motion, the court must dismiss his petition as successive.¹

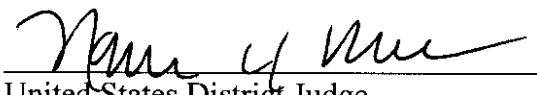
¹ Petitioner is hereby advised of the procedure for obtaining certification from the United States Court of Appeals for the Fourth Circuit to have this court review a successive § 2255 motion. Petitioner must submit a copy of the successive § 2255 motion to the Court of Appeals, along with a motion requesting a three-judge panel certification that the district court may review the successive § 2255 motion. See 28 U.S.C. § 2244 (as amended, 1996). A Fourth Circuit form and instructions for filing this motion will be included with this notice or are available from the Fourth Circuit at the following address: Office of the Clerk, United States Court of Appeals for the Fourth Circuit, 900 E. Main St., Richmond, VA 23219.

II.

For the reasons stated, the court denies Parker's motion and dismisses it as a successive § 2255 petition.

The Clerk is directed to send certified copies of this Memorandum Opinion and the accompanying Order to all parties.

ENTER: This 28th day of February, 2007.


United States District Judge